Form PTO-SB-01 (9-95) (Modified)

Docket No. F-146A

Patent and Trademark Office-U.S. DEPARTMENT OF COMMERCE

Declaration and Power of Attorney For Patent Application English Language Declaration

As a below named inventor. I hereby declare that: My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first

and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled A Polyaxial Pedicle Screw Having A Threaded And Tapered Compression Locking Mechanism the specification of which (check one) is attached hereto. □ was filed on as United States Application No. or PCT International Application Number and was amended (if applicable) I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56. I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s) **Priority Not Claimed** Day/Month/Year Filed) (Country) (Number) (Number) (Country) Day/Month/Year Filed) Day/Month/Year Filed) (Country) (Number)

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I hereby claim the benefit u application(s) listed below:	nder 35 U.S.C. Section 119(e) of ar	ny United States provisional
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	
U.S.C. Section 112. I acknowledge of the control of	owledge the duty to disclose to the vn to me to be material to patental available between the filing date of	provided by the first paragraph of 3 United States Patent and Trademar ability as defined in Title 37, C.F.R f the prior application and the national
08/606,221	February 23, 1996	<u>issued</u> (5,607,426)
(Application Serial No.)	(Filing Date)	(patented, pending, abandoned
08/843,972	April 17, 1997	pending
(Application Serial No.)	(Filing Date)	(patented, pending, abandoned
(Application Carial No.)	(Filing Date)	
(Application Serial No.)	(Filing Date)	(patented, pending, abandone

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following aftorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Joseph P. Errico, Esq./ Reg. No. 38,131

Send Correspondence to:

Joseph P. Errico

150 Douglas Rd. Far Hills, NJ 07931

Direct Telephone Calls to: (name and telephone number)

Joseph P. Errico

(908) 234-1808

Full name of sole or first inventor	
James D. Ralph	
Sole or first inventor's signature	Date
/12xu0 D / Tu //)	12-29-97
Residence /	
71/Manito Ave., Oakland NJ 07436	
Citizenship	
USA	
Post Office Address	
same as above	

Full name of second inventor, if any	
Stephen Tatar	
Second inventor's signature	Date 12/29/97
Residence	
45 Upper Mountain Ave., Montvale NJ 07045	
Citizenship	
USA	
Post Office Address	
same as above	
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Patent and Trademark Office-U.S. DEPARTMENT OF COMMERCE

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY		Docket No.			
STATUS (37 CFR 1.9(f) AND 1.27(c)) - SMALL BUSINESS CONCERNS			F-146A		
	Serial No.	, Filing Date	Patent No.	Issue Date	
		January 2, 1998			
Applica Patent		alph and Steven Tatar			
Invent	Invention: A Polyaxial Pedicle Screw Having A Threaded And Tapered Compression Locking Mechanism				
I herel	by declare that I ar	m:	·		
 □ the owner of the small business concern identified below: ☑ an official of the small business concern empowered to act on behalf of the concern identified below: 					
	OF CONCERN: ESS OF CONCER	Fastenetix, LLC 47 Maple Ave., Sui	ite L-28, Summit, NJ 07901		
I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Section 41 (a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control both.					
I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above identified invention described in:					
☐ the specification filed herewith with title as listed above.					
the application identified above.					
☐ the patent identified above.					
If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed on the next page and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).					
	f				

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Each person, concern og organization to which I have assigned, granted, conveyed, or licensed or am
under an obligation under contract or law to assign, grant, convey, or license any rights in the invention i
isted below:

listed below:	ander contract or law	v to assign, grant, convey, or no	ense any ngina in the invention is	
•	son, concern or orga erson, concern or o	anization exists. rganization is listed below.		
FULL NAME				
ADDRESS NAME _	☐ Individual	☐ Small Business Concern	n ☐ Nonprofit Organization	
FULL NAME ADDRESS NAME				
ADDRESS NAME _	☐ Individual	☐ Small Business Concern	□ Nonprofit Organization	
FULL NAME ADDRESS NAME	·····			
ADDICESS NAME	☐ Individual	☐ Small Business Concern	□ Nonprofit Organization	
FULL NAME ADDRESS NAME				
ADDRESS NAIVIE _	∫ □ Individual	☐ Small Business Concern	n □ Nonprofit Organization	
Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)				
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))				
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.				
NAME OF PERSON TITLE OF PERSON		Thomas J. Errico		
OTHER THAN OWN ADDRESS OF PERS	ER:	President 5 Crest Acre Ct. Summit, NJ 07901		
SIGNATURE:	Ghoonas E	Med LD 1	DATE: 10 09 97	
Patent and Trademark Office-U.S. DEPARTMENT OF COMMERCE				